

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NAVIGATORS MANAGEMENT COMPANY
a/s/o ACTIVE FRONTIER INTERNATIONAL,

Plaintiff,

-against-

EXPEDITORS INTERNATIONAL
OF WASHINGTON, INC. and
J & J LOGISTICS INC.,

Defendants.
-----X

CASE MANAGEMENT PLAN + ORDER

Case No.: 08 Civ. 1966(BAJ)(GWG)

WHEREAS, the Court issued an Order for a Conference in accordance with Fed. R. Civ. P.
16(b) on May 5, 2008 (the "Order"); and

WHEREAS, the Order requires that the parties jointly prepare and sign a proposed
scheduling order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as required by the
Order:

- (1) The date of the conference and the appearance for the parties:

May 23, 2008

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2) A concise statement of the issues as they appear:

This claim involves the theft of a sealed container, which plaintiff alleges contained ski apparel, from defendant, J&J International Logistics' facility located at 675 Dowd Avenue, Elizabeth, NJ on or about June 22, 2007. The issues in contention are:

- (a) What were the contents of the container;
- (b) Were any of the contents recovered;
- (c) What are plaintiff's damages, and
- (d) Is the liability of either of the defendants limited.

(3) A schedule including;

- a. Joinder of additional parties must be accomplished by **June 20, 2008**.

Amended pleadings may be filed without leave of the Court until **June 20, 2008**.

- b. **Documents.** First request for production of documents, if any, must be served by **June 27, 2008**. Further document requests may be served as required, but no document request may be served later than 30 days prior to the date of the close of discovery as set forth in item 6 below.

Interrogatories. Interrogatories pursuant to Rule 33.3(a) of the Local Civil Rules of the Southern District of New York must be served by **June 27, 2008**. No other interrogatories are permitted except upon prior express permission of Judge Leisure. No Rule 33.3(a) interrogatories need be served with respect to disclosures automatically required by Fed. R. Civ. P. 26(a).

- c. Depositions. The names of persons to be deposed and a schedule of planned depositions:

The parties will exchange documentary discovery prior to conducting depositions. Any depositions of fact witnesses are to be completed on or before September 19, 2008.

- d. All non-expert discovery shall be completed by **October 1, 2008**.

- e-f. Experts. Every party-proponent of a claim (including any counterclaim, cross-claim, or third-party claim) that intends to offer expert testimony in respect of such claim must make the disclosures required by Fed. R. Civ. P. 26(a)(2) by **October 10, 2008**. Every party-opponent of such claim that intends to offer expert testimony in opposition to such claim must make the disclosures required by Fed. R. Civ. P. 26(a)(2) by September 12, 2008. No expert testimony (whether designated as "rebuttal" or otherwise) will be permitted by other experts or beyond the scope of the opinions covered by the aforesaid disclosures except upon prior express permission of the Court, application for which must be made no later than 10 days after the date specified in the immediately preceding sentence. All experts may be deposed, but such depositions must occur within the time limit for all depositions set forth below.

- g. Requests to Admit. Requests to Admit, if any, must be served by **September 1, 2008**.

- h. All discovery is to be completed by **November 14, 2008**. Interim deadlines may be extended by the parties on consent without application to the Court, provided the parties are certain they can still meet the discovery completion date set forth in this paragraph, which shall not be adjourned except upon a showing to the Court of extraordinary circumstances.

- i. Pretrial motions to be filed on or before **December 5, 2008**.

- j. Parties to submit the pre-trial order in a form conforming with the Court's instructions together with trial briefs and proposed findings of fact and conclusions of law for a non-jury trial on or before **December 5, 2008**.

- (4) Limitations to be placed on discovery:

See Items (3)(b)-(f) above.

- (5) Any discovery issues which counsel, after a good faith effort, were unable to reach an agreement:

None to date.

- (6) Anticipated fields of expert testimony:

Generally Accepted Warehouseman's Practice; Loss of Market
Expert in area of Specialized Apparel.

- (7) Anticipated length of trial:

Two to three day bench trial.

- (8) Settlement discussions at the close of fact discovery.

(4) Paragraph 9 of the May 5, 2008 order is incorporated by reference.

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So Ordered: New York, New York
May 23, 2008



Hon. Gabriel W. Gorenstein, U.S.M.J.